

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Introduction of Ordinance Amending Title 2 – Administration and Personnel, Chapter 2.04 by Repealing and Reenacting Section 2.04.010 “Regular Meetings-Day and Time,” and Section 2.04.100 “Order of Business-Assembly of Officers” of the Lodi Municipal Code Relating to City Council Meetings; Adopt Resolution Establishing Agenda Order

MEETING DATE: February 7, 2001

PREPARED BY: Randall A. Hays, City Attorney


RECOMMENDATION: That the City Council introduce the Ordinance amending Title 2 – Administration and Personnel, Chapter 2.04 by Repealing and Reenacting Section 2.04.010 “Regular Meetings-Day and Time,” and Section 2.04.100 “Order of Business-Assembly of Officers” of the Lodi Municipal Code Relating to City Council Meetings and adopt Resolution Establishing Agenda Order.

BACKGROUND: At the Shirtsleeve Session of the Council held January 9th, the Council discussed the agenda reorganization and public notice requirements. Based upon that discussion and the direction given by Council, this item has been prepared to put into place that direction. The language that has been prepared to replace the current language in Section 2.04.010 is designed to accommodate the Council's desire to have closed sessions occur prior to regular Council activities. The language that has been developed to replace that which is currently found in Section 2.04.100 is designed to more easily accommodate any changes which the Council may in the future wish to make to the order of business as it is found on Council agendas. You will note that based upon the new language, a change in the ordering of Council business on an agenda can be accomplished by the adoption of a Resolution of the City Council instead of having to go through the Ordinance changing process.

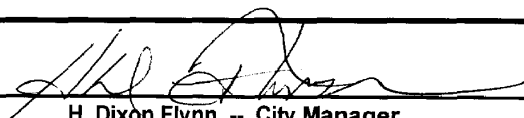
Assuming that the Ordinance will be introduced on February 7th, the second reading of the Ordinance would take place on February 21st. The change would then be effective thirty (30) days subsequent. A Resolution has been prepared in order to establish the new agenda order. It has an effective date thirty (30) days subsequent to the Ordinance adoption date.

FUNDING: Not applicable.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____


H. Dixon Flynn -- City Manager

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 2 – ADMINISTRATION AND PERSONNEL,
CHAPTER 2.04 BY REPEALING AND REENACTING SECTION
2.04.010 “REGULAR MEETINGS-DAY AND TIME,” AND SECTION
2.04.100 “ORDER OF BUSINESS-ASSEMBLY OF OFFICERS” TO
THE LODI MUNICIPAL CODE RELATING TO CITY COUNCIL
MEETINGS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 2.04.010 “Regular Meetings--Day and Time” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

2.04.010 Regular Meetings—Day and Time

Regular meetings of the Council shall be held on the first and third Wednesday of each month at 7:00 p.m.; provided, however, that any such regular meeting at which a closed session is to be held may be commenced, for the holding of such closed session, at such earlier time on the meeting day as may be noticed on the Council’s agenda and posted at least seventy-two (72) hours in advance of such earlier commencement time. In the event of any such earlier commencement of a regular meeting for the purpose of holding a closed session, no other items of business on the Council’s meeting agenda shall be addressed before 7:00 p.m. In case the regular meeting falls upon a legal holiday, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of 7:00 p.m.

SECTION 2. Section 2.04.100 “Order of Business—Assembly of Officers” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

All meetings of the Council shall be open to the public, except for closed sessions as permitted by law. The Council shall provide by Resolution the order of business for regular meetings of the Council, and shall provide therein for public comment as required by law. In attendance shall be the City Manager, the City Clerk, and the City Attorney or their authorized designees.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid

provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2001

ALAN NAKANISHI
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held February 7, 2001, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2001, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –


ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney

RESOLUTION NO. 2001-29

A RESOLUTION OF THE LODI CITY COUNCIL SETTING
FORTH THE ORDER OF BUSINESS FOR
CITY COUNCIL MEETINGS

=====

WHEREAS, pursuant to Ordinance No. 1699, adopted by the Lodi City Council on February 7, 2001, Section 2.04.100 of the Lodi Municipal Code Relating To City Council Meetings, the Order of Business provides that the Council shall establish by Resolution the Agenda Order of Business:

- C-1 Call to Order / Roll call;
- C-2 Announcement of Closed Session;
- C-3 Adjourn to Closed Session;

NOTE: The following items will commence no sooner than 7:00 p.m.

- C-4 Return to open session / disclosure of action
 - A. Call to Order / Roll call;
 - B. Invocation;
 - C. Pledge of allegiance;
 - D. Presentations:
 - D-1 Awards;
 - D-2 Proclamations;
 - D-3 Presentations;
 - E. Consent calendar (Reading; comments by the public; council action);
 - F. Comments by the public on non-agenda items;
 - G. Public hearings;
 - H. Communications;
 - H-1 Claims filed against the City of Lodi;
 - H-2 Reports: boards / commissions / task forces / committees;
 - H-3 Appointments;
 - H-4 Miscellaneous;
 - I. Regular calendar;
 - J. Ordinances;
 - K. Comments by the City Council members on non-agenda items;
 - L. Comments by the City Manager on non-agenda items
 - M. Adjournment

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby approves the Order of Business for City Council meetings as set forth above; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective thirty (30) days following the final adoption of Ordinance No.1699.

Dated: February 7, 2001

=====

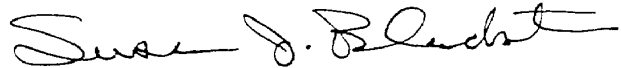
I hereby certify that Resolution No. 2001-29 was passed and adopted by the Lodi City Council in a regular meeting held February 7, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land and Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mayor Nakanishi

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk